PRESENT—*cont.*

Syed Tajuddin Sahib Bahadur, Khan Sahib.
Thomas, Mr. Daniel.
Thorne, C.I.E., I.C.S., Mr. J. A.
Vasudeva Pillai, Mr. V. G.
Vedachala Mudaliyar, Mr. M.
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur R. K.
Viswanatha Rao, Diwan Bahadur V. N.
Yakub Hasan Sahib Bahadur.
Zamindar of Kirlampudi, The.
Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Administration of Justice

Claims of Muslims and other backward communities for appointment as District Munsifs.

* 795 *Q.*—Mr. ABDUL HAMEED KHAN: Will the Hon. the Law Member be pleased to state whether before the High Court made the selection of candidates for appointment as District Munsifs, the Government addressed them that in making the selection of District Munsifs the claims of Muslims and other backward communities should be considered?

A.—The power of appointment of District Munsifs vests in the High Court under section 7 of the Madras Civil Courts Act, 1873, and the principle of communal rotation does not apply to such appointments. The views expressed in the Council on this question in connexion with the discussions on the Budget Estimates in March 1931 were forwarded to the High Court as then promised. Later in the year a reference on the same subject was also made to the High Court in connexion with the framing of rules for the Provincial Civil Service (Judicial Branch). The Hon'ble the Judges replied that, in the future as in the past, they would be alive to the communal problem and ready to consider the wishes of the Government in the matter of recruitment of District Munsifs but that they deprecated the adoption of a rigid rule of communal rotation and must reserve to themselves full liberty of action. There was thus no need for the Government to address the High Court further on the matter.

Mr. ABDUL HAMEED KHAN:—" It is stated in the answer to this question that the Hon'ble the Judges of the High Court replied that, in the future as in the past, they would be alive to the communal problem and ready to consider the wishes of the Government in the matter of recruitment of District Munsifs. They are alive no doubt to the communal problem, but what do they propose doing? "

The Hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" What they have stated is that, consistently with efficiency, they will pay attention to this communal problem also."

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Mr. Abdul Hameed Khan :—" May I ask the Hon. the Law Member whether the High Court Judges are aware that there are certain communities which are practically not found in the service as District Munsifs and whether they will consider the necessity, bearing in mind considerations of efficiency also, of giving them a chance? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I am sorry that I am not in a position to answer that question. It is for them to say that."

Mr. Abdul Hameed Khan :—" Will the Hon. the Law Member be pleased to draw the attention of the Hon'ble Judges to the fact that it is the view of the minority communities in this House that, although it is not their desire to enforce the observance of the communal rule in this respect, proper and adequate representation should be given to these communities when the Hon'ble Judges are making appointments of District Munsifs, of course keeping in view the question of efficiency? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar :—" On more than one occasion the Government have drawn the attention of the High Court to this."

B. Pocker Sahib Bahadur :—" May I know how many Muslim applicants there were for selection as District Munsifs last time? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar :—" Notice."

Rao Bahadur T. A. Ramalingam Chettiyar :—" Will the Government suggest to the High Court that these appointments might be left to the Services Commission? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar :—" Sir, the Government are against entrusting this work to the Services Commission. On the whole, the High Court, I think, is a better body for making these appointments than the Services Commission. The other day, in reply to my hon. Friend's criticism, I said so."

B. Pocker Sahib Bahadur :—" Is it a fact that, even though a Muslim candidate was recommended as the first in the matter of competence by one of the District Judges in the mufassal, that particular Muslim candidate was not selected? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar :—" I do not know."

Rao Bahadur T. A. Ramalingam Chettiyar :—" Do the Government think that they are a worse body than the High Court for making appointments and was that the reason for their handing over to the Commission their powers for making appointments? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar :—" The Government do not come in here. The comparison is only between the Public Services Commission and the High Court."

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Khan Bahadur Mahmud Schamnad Sahib Bahadur:—" If the High Court is a better body for making these appointments than the Public Services Commission, are the Heads of Departments in the Secretariat worse than the High Court? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I am not in a position to answer that."

B. Pocker Sahib Bahadur:—" Is it not a fact that the High Court is the best-fitted authority to make the selection of District Munsifs? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I should think so."

Mr. V. M. Ramaswami Mudaliyar:—" May I know what the practice in England is with regard to making of Judicial appointments? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar:—" The practice in England is that the appointments to the Public Services generally are made by the Public Services Commission, but appointments to the Judicial Service are made by the Lord High Chancellor of England. For instance, all County Court Judges are appointed by the Lord High Chancellor."

Rao Sahib V. I. Muniswami Pillai:—" May I know how many Depressed Class candidates were there at the time of the last selection? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I am sorry that I am not in a position to answer that question."

Mr. Abdul Hameed Khan:—" Will the Hon. the Law Member be pleased to inform the Judges of the High Court that the minorities are not satisfied with the way in which their claims are considered by the High Court and that the minorities themselves are alive to the need for efficiency which seems to weigh so much with the Judges? "

The Hon. Diwan Bahadur Sir M. Krishnan Nayar:—" I shall forward this question and the answer and also the supplementary questions and the answers thereto to the High Court."

Agriculture

Export from and import into South Kanara of paddy and rice during the last six years.

* 796 *Q.*—Mr. A. B. Shetty: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) what quantity of paddy and rice has been exported from South Kanara during each of the last six years; and

(*b*) what quantity has been imported from outside during the same period?